

THURSDAY, APRIL 13, 1989

THIRTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. David Livingston, Jr., First Baptist Church, Smithville, Tennessee.

Representative Frank Buck led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Coffey was excused because of personal business.

REGULAR CALENDAR

House Bill No. 0911 -- Insurance, Fire and Casualty -- Requires insurer to state reason for nonrenewal of certain kinds of insurance policies upon request of insured. Amends TCA, Title 56, Ch. 7.

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On motion, House Bill No. 911 was made to conform with Senate Bill No. 1232.

On motion, Senate Bill No. 1232, on same subject, was substituted for House Bill No. 911.

Rep. Hassell moved that Senate Bill No. 1232 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

House Bill No. 0359 -- Education -- Revises eligibility requirements for education scholarships for dependents of certain members of armed services. Amends TCA 49-7-102.

On motion, House Bill No. 359 was made to conform with Senate Bill No. 772.

On motion, Senate Bill No. 772, on same subject, was substituted for House Bill No. 359.

Rep. Hassell moved that Senate Bill No. 772 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis,

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Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 1232 and have this statement entered in the Journal.

Rep. Tom Wheeler

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 772 and have this statement entered in the Journal.

Rep. John Chiles

REGULAR CALENDAR, CONTINUED

House Bill No. 1309 -- Taxes, Sales -- Exempts from sales tax sales of promotional materials for chambers of commerce. Amends TCA 67-6-329.

Rep. Ridgeway moved that House Bill No. 1309 be passed on third and final consideration.

Rep. Shirley moved to amend as follows:

Amendment No. 1

Amend House No. 1309 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-329, is amended by deleting such section in its entirety.

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Rep. Ridgeway moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes.	45
Noes.	48

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Cain, Chiles, Clark, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Knox), DePriest, Gaia, Givens, Good, Hawkins, Henry (Putnam), Herron, Holt, Huskey, Jackson, Kisber, McDaniel, Naifeh, Napier, Phillips, Pinion, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Stallings, Ussery, Webb, Williams, Winningham, Yelton, Mr. Speaker Murray -- 45.

Representatives voting no were: Armstrong, Byrd, Callicott, Copeland, Davidson, Davis (Gibson), Dixon, Duer, Ellis, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Hillis, Hobbs, Holcomb, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, McAfee, Miller, Moody, Moore (Lawrence), Moore (Shelby), Niceley, Nuber, Odom, Peroulas, Pruitt, Rhinehart, Severance, Shirley, Sipes, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), West, Whitson, Wix, Wolfe, Wood -- 48.

Rep. Ridgeway moved that House Bill No. 1309 be reset to the Calendar for Thursday, April 20, 1989, which motion prevailed.

***House Bill No. 1063 -- Criminal Offenses -- Clarifies law relative to the fraudulent appropriation of rented or leased property. Amends TCA, Title 39, Ch. 3, Pt. 11.**

Rep. Bivens moved that House Bill No. 1063 be reset to the Calendar for Thursday, April 20, 1989, which motion prevailed.

House Bill No. 1075 -- Privacy, Confidentiality -- Revises certain privileges relative to communications between psychiatrists and psychologists. Amends TCA 24-1-207.

Rep. Cain moved that House Bill No. 1075 be passed on third and final consideration.

Rep. Cain moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1075 in Section 1 by adding the following as new Item (3):

(3) The provisions of this subsection shall not be held to create or impose any special or additional duty on a law enforcement authority, or a law enforcement officer.

notified as provided herein. No civil liability or cause of action shall arise against a law enforcement authority or officer notified as provided herein as a result of a failure to prevent physical violence by the patient.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cain moved that House Bill No. 1075, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

***House Bill No. 0166 -- Election Laws --** Allows state employees to be deputy election registrars. Amends TCA, Title 2, Ch. 12.

Rep. Dixon moved that House Bill No. 166 be reset to the Calendar for Thursday, April 20, 1989, which motion prevailed.

***House Bill No. 0178 -- Medicare and Medicaid --** Increases the uncompensated value of resources for the determination of eligibility to receive medical assistance. Amends TCA 71-5-106.

On motion, House Bill No. 178 was made to conform with Senate Bill No. 372.

On motion, Senate Bill No. 372, on same subject, was substituted for House Bill No. 178.

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Rep. Dixon moved that Senate Bill No. 372 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 0857 -- Hospitals and Health Care Facilities --
Increases membership of board for licensing health care facilities.
Amends TCA 68-11-203.

Rep. Dixon moved that House Bill No. 857 be reset to the Calendar for Monday, April 17, 1989, which motion prevailed.

House Bill No. 0361 -- Annexation -- Permits filing of quo warrant suits to contest annexation to be filed in county where property is located. Amends TCA, Title 6, Ch. 51.

Rep. Whitson moved that House Bill No. 361 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 361 by deleting Sections 1, 2, and 3 in their entirety and by substituting instead the following language:

Section 1. Tennessee Code Annotated, Section 6-51-103, is amended by adding the following new subsection:

() When territory is annexed that is located in a county other than one in which the city hall of the annexing municipality is then located, any suit filed

pursuant to this section for the purpose of contesting the annexation ordinance shall be filed in the county where the city hall of the annexing municipality is located. The chancellor, however, shall change the venue to a county that is adjacent to either the county where the annexing municipality's city hall is located or the county where the proposed annexation is located.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Whitson moved that House Bill No. 361, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Good -- 1.

A motion to reconsider was tabled.

House Bill No. 1359 -- Courts -- Enacts "Appellate Court Efficiency Act". Amends TCA, Titles 16, 39, 49, 50, 53, 57, 67--69.

On motion, House Bill No. 1359 was made to conform with Senate Bill No. 488.

On motion, Senate Bill No. 488, on same subject, was substituted for House Bill No. 1359.

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Rep. Burnett moved that Senate Bill No. 488 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 1361 -- District Attorneys -- Revises staffing formula for district attorneys general. Amends TCA 16-2-506, 508.

On motion, House Bill No. 1361 was made to conform with Senate Bill No. 427.

On motion, Senate Bill No. 427, on same subject, was substituted for House Bill No. 1361.

Rep. Burnett moved that Senate Bill No. 427 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 1353 -- Physicians and Surgeons -- Subjects certain applicants for renewal of physician assistant certification to continuing education requirement. Amends TCA 63-19-104, 105.

Rep. Burnett moved that House Bill No. 1353 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

***House Bill No. 0646 -- Hospitals and Health Care Facilities --** Makes certain changes in regulation of nursing homes as required by federal law. Amends TCA, Title 68, Ch. 11, Pt. 8.

Rep. Burnett moved that House Bill No. 646 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis

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(Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

***House Bill No. 0684 -- Debtor Creditor Relations -- Requires certain notices prior to repossession of motor vehicles.**

Rep. Ussery moved that House Bill No. 684 be passed on third and final consideration.

Rep. Napier moved to amend as follows:

Amendment No. 1

Amend House Bill No. 684 by designating the existing language of Section 1 as subsection (a) and by adding the following new subsection:

(b) The notice requirements of this section shall not apply if the owner voluntarily surrenders the vehicle for repossession.

On motion, Amendment No. 1 was adopted.

Rep. Webb moved to amend as follows:

Amendment No. 2

Amend House Bill No. 684 deleting SECTIONS 1 and 2 in their entirety and substituting instead the following new sections:

SECTION 1. If a motor vehicle is seized or repossessed, the sheriff of the county in which the seizure or repossession occurred, if same be in this state, shall be notified immediately of the action taken; provided, however, if the seizure or repossession occurred in a county having a metropolitan form of government, notification shall be made to the metropolitan police department. Such notice shall contain the name and address of the owner and a description of the vehicle including the make, model and serial number.

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Failure to notify as provided herein, errors of fact in notification or notification to an incorrect jurisdiction shall not be construed to be grounds to defeat and/or cancel an otherwise permissible seizure and/or repossession.

SECTION 2. This act shall take effect on July 1, 1989, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Ussery moved that House Bill No. 684, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

*House Bill No. 1131 -- Alcoholic Beverages -- Expands definition of "club" to include certain recreational clubs. Amends TCA 57-4-102.

Rep. Cain moved that House Bill No. 1131 be reset to the Calendar for Thursday, April 20, 1989, which motion prevailed.

*House Bill No. 0649 -- Mental Health and Mental Retardation, Dept. of -- Provides services for mentally ill, mentally retarded, and abusers of controlled substances. Amends TCA, Title 33.

Rep. DeBerry moved that House Bill No. 649 be reset to the Calendar for Thursday, April 27, 1989, which motion prevailed.

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House Bill No. 0823 -- Teenage Pregnancy -- Increases amount of state grant awarded to programs selected as model teen pregnancy programs; increases membership of selection committee. Amends TCA 37-3-111.

Rep. DeBerry moved that House Bill No. 823 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 218; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Moody moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 218 out of order, which motion prevailed.

Senate Joint Resolution No. 0218 -- Memorials, Professional Achievement -- Honors Bill Hyde on accomplishments as director of Petroleum Council.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Rep. Moody, the resolution was concurred in by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

House Bill No. 0797 -- Banks and Financial Institutions -- Exempts certain providers of personal services from disclosure requirements. Amends TCA 47-18-1101, 1102.

Rep. Buck moved that House Bill No. 797 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1

Amend House Bill No. 797 by adding at the end of Section 1 the following language:

Provided, however, the provisions of Tennessee Code Annotated, Title 56, Chapter 35, and the rules promulgated thereunder shall control to the extent such provisions may conflict with this section.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that House Bill No. 797, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 1165 -- Real Property -- Removes former owner's right of first refusal on real property disposed of by department of transportation. Amends TCA, Title 12, Ch. 2.

Rep. U. Jones moved that House Bill No. 1165 be reset to the Calendar for Wednesday, April 19, 1989, which motion prevailed.

***House Bill No. 0155 -- Mental Illness --** Grants mental health professionals immunity from certain civil suits resulting from violent acts of patients. Amends TCA, Title 33, Ch. 10.

Further consideration of House Bill No. 155, previously considered on April 10, 1989, at which time the House considered Amendments Nos. 1 and 2 and reset the bill to the Calendar for April 13, 1989.

Rep. West moved that House Bill No. 155 be reset to the Calendar for Thursday, April 27, 1989, which motion prevailed.

House Bill No. 1090 -- Courts, Municipal -- Authorizes election of city court judges. Amends TCA, Titles 6, 16.

Further consideration of House Bill No. 1090, previously considered on April 6, 1989, at which time the bill was reset to the Calendar for April 13, 1989.

Rep. Wood moved that House Bill No. 1090 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1090 by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of thirty thousand dollars (\$30,000) to the department of human services for the sole purpose of making a grant in such amount to the Nashville Coalition on Child Abuse.

On motion, Amendment No. 2 was adopted.

Rep. Dixon moved to amend as follows:

Amendment No. 3

Amend House Bill No. 1090 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population greater than 770,000 according to the 1980 federal census or any subsequent census.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Wood moved that House Bill No. 1090, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Burnett, Byrd, Cain, Callicott, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner

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(Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives present and not voting were: Buck, Crain -- 2.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 0241 -- Memorials, Public Service -- Honors Westvaco on being named "Conservationists of the Year".

House Joint Resolution No. 0242 -- Memorials, Public Service -- Honors Harry Simmons for service to community.

House Joint Resolution No. 0245 -- Memorials, Professional Achievement -- Honors Sam M. Browder and Steve H. Kirkham of Harriman Oil on winning "Shell's Image Excellence Award-Best of the Best".

House Joint Resolution No. 0246 -- Memorials, Public Service -- Honors Charles W. Tucker.

House Joint Resolution No. 0247 -- Memorials, Sports -- Congratulates Pickett County High School boys' basketball team on winning District 5A championship.

House Joint Resolution No. 0248 -- Memorials, Sports -- Congratulates Red Boiling Springs High School girls' basketball team on District 5A championship.

House Joint Resolution No. 0249 -- Memorials, Sports -- Congratulates Pickett County High School girls' basketball team on capturing Class A state championship.

House Bill No. 0553 -- Lewis County -- Resolves conflict between general law and private act on duties of board of education. Repeals Chapter 277, Private Acts of 1957.

On motion, House Bill No. 553 was made to conform with Senate Bill No. 39.

On motion, **Senate Bill No. 39**, on same subject, was substituted for House Bill No. 553.

House Bill No. 1473 -- Maury County -- Revises membership of Hospital Committee of Quarterly Court. Amends Chapter 373, Private Acts of 1953, as amended.

House Bill No. 1474 -- Samburg -- Enacts hotel/motel tax.

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House Bill No. 1475 -- Lauderdale County -- Authorizes General Hospital District to operate long-term care facility or nursing home. Amends Chapter 190, Private Acts of 1961, as amended.

On motion, House Bill No. 1475 was made to conform with Senate Bill No. 1493.

On motion, **Senate Bill No. 1493**, on same subject was substituted for House Bill No. 1475.

House Bill No. 1483 -- Carter County -- Authorizes county highway department to receive gifts for own benefit.

Senate Joint Resolution No. 0179 -- Memorials, Condolence -- Honors memory of William F. Kirsch, Jr. of Memphis.

Senate Joint Resolution No. 0181 -- Memorials, Condolence -- Expresses sorrow at death of Geneva Currie Suggs.

Senate Joint Resolution No. 0182 -- Memorials, Retirement -- Honors Joseph K. Carr on his retirement.

Senate Joint Resolution No. 0183 -- Memorials, Recognition and Thanks -- Honors Debra Elaine Kirkwood.

Senate Joint Resolution No. 0184 -- Memorials, Recognition and Thanks -- Honors Patricia B. Moore.

Senate Joint Resolution No. 0185 -- Memorials, Recognition and Thanks -- Honors Juliette Isabel Wadlington.

Senate Joint Resolution No. 0188 -- Memorials, Condolence -- Honors memory of Dr. Stanley Erwin.

Senate Joint Resolution No. 0189 -- Memorials, Sports -- Honors Coach Ron Hackworth and Oliver Springs High School boys' basketball team on great season.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke),

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Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 0269 -- Municipal Government -- Revises population and application requirements for incorporation under city manager-commission charter; revises various provisions of charter. Amends TCA, Title 6, Chs. 18--23.

Senate Amendment No. 2

Amend House Bill No. 269 by deleting from Section 22 the words "and the board shall require such security for city deposits as it deems necessary." and inserting lieu thereof the words "and the board shall require such security for city deposits as its deems necessary, provided, however, that such security shall not be less than that required for state deposits pursuant to Title 9, Chapter 4, Part 1, Tennessee Code Annotated.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson

(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Buck, Stamps --

2.

A motion to reconsider was tabled.

*House Bill No. 0271 -- Municipal Government -- Authorizes merger of contiguous municipalities by various methods. Amends TCA, Title 6, Ch. 51.

Senate Amendment No. 3

AND FURTHER AMEND by deleting from Section 1 in the first sentence of Section 6-51-402 the words "in the same or different counties" and by substituting instead the words "in the same county".

AND FURTHER AMEND by deleting from Section 1 in the second sentence of Section 6-51-402 in its entirety and by substituting instead the following.

When municipalities are separated only by water they shall be deemed contiguous for all purposes of this part if they are in the same county. After the municipalities merge, the water shall become a part of the consolidated municipality.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 3, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C.

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(Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 0932 -- Education, Higher -- Enacts "Baccalaureate Education Savings for Tennessee Act". Amends TCA 9-9-206, 49-3-1203; Title 49, Ch. 7, Pt. 8.

Senate Amendment No. 1

Amend House Bill No. 932 by deleting from the fourth line of Section 3 the word "forever" and by substituting in lieu thereof the word "foster and"

Rep. Byrd moved that the House concur in Senate Amendment(s) No(s). 1, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

*House Bill No. 0988 -- Courts -- Establishes procedure for disposal of controlled substances and drug paraphernalia after disposal of cases, including such items as evidence. Amends TCA 53-11-409.

Senate Amendment No. 1

AMEND House Bill No. 988 by deleting from the amendatory language of subsection (1) of SECTION 1 the words "the term of

court in which" and substituting instead the words "the name of the case, the case number and date when".

FURTHER AMEND by deleting the period (.) at the end of the first sentence of the amendatory language of subsection (2) of SECTION 1 and substituting instead the following:

and shall serve a copy of the petition upon the district attorney general.

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 1, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ellis, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naffeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

Rep. King moved to suspend Rule No. 78, so that House Bill No. 1433, having been filed after the tenth legislative day, could be heard in State and Local Government Committee, which motion prevailed.

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the purpose of recalling Senate Joint Resolution No. 143 from the Education Committee, which motion prevailed.

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***Senate Joint Resolution No. 0143 -- General Assembly, Statement of Intent Or Position -- Approves sale of certain property of Watkins Institute; provides for use of proceeds.**

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pruitt, the resolution was concurred in by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 547: Rep(s). Armstrong added as prime sponsor(s).

House Bill No. 649: Rep(s). Armstrong and Peroulas added as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 0252 -- General Assembly, Studies -- Establishes joint committee to study placement of littering signs on highways. by *DePriest, *Hobbs, *Napier, *Robinson Robb, *Hillis, *Stallings, *Moore U A, *Phillips, *Bell, *Kisber.

The Speaker referred House Joint Resolution No. 252 to the Conservation and Environment Committee.

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House Joint Resolution No. 0253 -- Memorials, Professional Achievement -- Honors LaFollette Fire Chief Wayne Gregg, new chairman of East Tennessee Regional Council of Fire Chiefs. by *Wheeler, *Cross.

The Speaker referred House Joint Resolution No. 253 to the Calendar and Rules Committee.

House Joint Resolution No. 0254 -- Memorials, Sports -- Honors LaFollette Middle School basketball team on winning East Tennessee State basketball tournament. by *Wheeler, *Cross.

The Speaker referred House Joint Resolution No. 254 to the Calendar and Rules Committee.

House Joint Resolution No. 0255 -- Memorials, Public Service -- Honors Luttrell Elementary and Tennessee Luttrell Lime Company. by *Wheeler.

The Speaker referred House Joint Resolution No. 255 to the Calendar and Rules Committee.

House Joint Resolution No. 0256 -- Memorials, Public Service -- Honors Suzanne M. Griffith on her outstanding service with Bartlett Area Chamber of Commerce. by *Byrd.

The Speaker referred House Joint Resolution No. 256 to the Calendar and Rules Committee.

House Joint Resolution No. 0257 -- Memorials, Public Service -- Honors James A. Worthington, Jr. for service with Tennessee Real Estate Commission. by *Copeland, *Turner B, *McAfee, *Wood, *Robinson C B, *Starnes.

The Speaker referred House Joint Resolution No. 257 to the Calendar and Rules Committee.

House Joint Resolution No. 0258 -- Memorials, Sports -- Honors Coach Steve Patterson and Gibson County High School girls' basketball team. by *Davis Ray.

The Speaker referred House Joint Resolution No. 258 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 1487 -- Blount County -- Revises basis for requirement for application for certificates of appropriateness under certain circumstances relative to Blount County Technology Corridor Development Authority. Amends Chapter 180, Private Acts of 1986. by *Anderson, *Huskey.

Passed first consideration.

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House Bill No. 1488 -- Lincoln County -- Continues Budget Commission until November 1989. Amends Chapter 320, Private Acts of 1937, as amended. by *Phillips, *DePriest.

Passed first consideration.

House Bill No. 1489 -- Roane County -- Enacts hotel/motel tax. by *Henry Jim.

Passed first consideration.

House Bill No. 1490 -- Blount County -- Extends termination date one year of Blount County Technology Corridor Development Authority. Amends Chapter 180, Private Acts of 1986. by *Anderson, *Huskey.

Passed first consideration.

***House Bill No. 1491** -- Education -- Provides career ladder supplements for certain school superintendents. Amends TCA, Title 49, Ch. 5, Pt. 50. by *Starnes.

Passed first consideration.

House Bill No. 1492 -- Milan -- Adds members to Hospital Board of Trustees. Amends Chapter 458, Acts of 1901, as amended. by *Davis Ray.

Passed first consideration.

House Bill No. 1493 -- Lexington -- Grants board of mayor and aldermen power to establish and operate cable television service. Amends Chapter 402, Acts of 1901, as amended. by *McDaniel, *Sipes.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 0098 -- Motor Vehicles -- Restricts certain freight motor vehicles from traveling on certain municipal streets or alleys in certain circumstances.

Held on the Clerk's desk pending third consideration of companion House Bill No. 7.

Senate Bill No. 0234 -- Highway Signs -- Provides for directional signs to Big South Fork Recreation Area on I-75 at Jellico.

Held on the Clerk's desk pending third consideration of companion House Bill No. 411.

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Senate Bill No. 0424 -- Corporations, Not for Profit -- Removes liability from suit for certain members of nonprofit corporations under certain circumstances. Amends TCA 48-58-601.

Held on the Clerk's desk pending third consideration of companion House Bill No. 267.

Senate Bill No. 0506 -- Education -- Revises terms of participation in Tennessee student assistance program. Amends TCA 49-4-301.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1198.

Senate Bill No. 0953 -- Teachers -- Establishes minority teaching fellows program. Amends TCA, Title 49, Ch. 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 460.

Senate Bill No. 1121 -- Insurance, Health, Accident -- Permits assignee of benefits of insurance policies to charge interest to insurance company for delinquent payment under certain circumstances. Amends TCA 68-11-219.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1318.

Senate Bill No. 1262 -- Children -- Revises proof requirements for closing of child's medical records. Amends TCA 36-6-103.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1204.

Senate Bill No. 1312 -- Motor Vehicles, Titling and Registration -- Creates special license for retired veterans. Amends TCA, Title 55, Ch. 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1421.

Senate Bill No. 1313 -- Education, State Board of -- Creates civil service status for support personnel employed by board of education at state special schools. Amends TCA 8-30-101.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1218.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1484 -- County Boundaries -- Passed second consideration and referred to the State and Local Government Committee.

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House Bill No. 1485 -- Junkyards -- Passed second consideration and referred to the Transportation Committee.

House Bill No. 1486 -- Jackson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

REPORTS OF SELECT COMMITTEES

SELECT COMMITTEE ON RULES

MR. SPEAKER: Your Select Committee on Rules begs leave to report that we have met and recommend the following amendment to the Permanent Rules of the House of Representatives of the 96th General Assembly, which were adopted earlier by the House.

Respectfully submitted,

Jimmy Naifeh, Chairman
Joe W. Bell
Dan R. Byrd
Ted Ray Miller
Clarence W. Phillips
Mr. Speaker Murray

Lois DeBerry
John C. Chiles, Jr.
Paul C. Scruggs
Ronnie E. Davis
David Y. Copeland
S. Thomas Burnett

Amend Rule No. 12 to insert a new item in the Order of Business immediately after the roll call for **PERSONAL ORDERS**, and renumbering the subsequent sections accordingly, to appear as follows:

- 1 Roll Call
- 2 **PERSONAL ORDERS**
- 3 Calendar
- 4 Unfinished Business
- 5 Announcements
- 6 Introduction of Resolutions
- 7 Senate Joint Resolutions (Congratulatory, Memorializing)
- 8 Resolutions Lying Over
- 9 Introduction of Bills
- 10 Senate Bills on First Consideration
- 11 Senate Bills on Second Consideration
- 12 House Bills on Second Consideration
- 13 Petitions and Memorials
- 14 Reports from Standing Committees
- 15 Reports from Select Committees
- 16 Roll Call

Rep. Naifeh moved that the report of the Select Committee on Rules be adopted and made the action of the House, which motion prevailed by the following vote:

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Ayes.	73
Noes.	19
Present and not voting.	4

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Burnett, Byrd, Cain, Callicott, Clark, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ellis, Gaia, Givens, Gunnels, Halteman, Hassell, Hawkins, Head, Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Sipes, Starnes, Turner (Hamilton), Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 73.

Representatives voting no were: Buck, Crain, DePriest, Duer, Garrett, Harrill, Haun, Henry (Putnam), Hobbs, Peroulas, Rhinehart, Severance, Shirley, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Wix -- 19.

Representatives present and not voting were: Bragg, Good, Love, Miller -- 4.

A motion to reconsider was tabled.

ENROLLED BILLS

April 13, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 34, 38 and 615; House Joint Resolution(s) No(s). 250 and 251; and House Resolution(s) No(s). 18 and 19; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

April 13, 1989

The Speaker announced that he had signed the following: House Bill(s) No(s). 34, 38 and 615; House Joint Resolution(s) No(s). 250 and 251; and House Resolution(s) No(s). 18 and 19.

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ENGROSSED BILLS
April 13, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 361, 1075 and 1353; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS
April 13, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 646, 684 and 823; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 99, 545 and 1481; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 13, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 242; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

THURSDAY, APRIL 13, 1989 -- THIRTY-THIRD LEGISLATIVE DAY

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 669; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 277, 485, 511, 597, 653, 774, 978 and 1073; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223 and 225; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 218; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
April 13, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 797, 1090, 1473, 1474 and 1483; and House Joint Resolution(s) No(s). 241, 245,

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246, 247, 248 and 249; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 362, 417, 469, 773, 1476, 1477 and 1482; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 242; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 21, 85, 120, 202, 224, 288, 329, 439, 518, 530, 724, 884, 1066, 1067, 1159, 1378 and 1457; also, Senate Joint Resolution(s) No(s). 177, 178, 186, 187 and 190; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 34, 38, 59, 320, 335, 363, 368, 567, 615, 638, 651, 654, 655, 674, 700, 734, 776, 811, 899, 1077, 1078, 1208, 1223, 1297, 1443, 1452, 1457, 1465, 1466 and 1469; also, House Joint Resolution(s) No(s). 10, 40, 143, 145, 192, 195, 197, 199, 211, 231 and 232; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

THURSDAY, APRIL 13, 1989 -- THIRTY-THIRD LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 13, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 6, 298, 372, 427, 443, 488, 772, 863, 1191 and 1232; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 13, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 127 and 192; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0127 -- General Assembly, Proclamations -- Proclaims November 11-17, 1989 as "Week of Special Observance of Vietnam Veterans".

Senate Joint Resolution No. 0192 -- Memorials, Recognition and Thanks -- Honors Dr. John Prados for his many contributions to the University of Tennessee.

MESSAGE FROM THE SENATE

April 13, 1989

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 43, 112, 239, 379, 578, 830, 860, 865, 1089, 1198, 1234, 1243, 1320, 1345, 1353 and 1360; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

*Senate Bill No. 0043 -- Appropriations -- Makes appropriation and directs preplanning of football field and stadium.

*Senate Bill No. 0112 -- Motor Vehicles, Titling and Registration -- Creates license plate for U.S. Reserve Forces. Amends TCA, Title 55, Ch. 4.

*Senate Bill No. 0239 -- Pensions and Retirement Benefits -- Authorizes the Melton Hill Regional Industrial Development Association to participate in TCRS under certain circumstances. Amends TCA, Title 8, Ch. 35, Pt. 2.

*Senate Bill No. 0379 -- Medicare and Medicaid -- Provides certain unlimited medical assistance for certain medicaid infants.

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Directs department of human services to reimplement presumptive eligibility for such infants under certain circumstances. Amends TCA, Title 71.

***Senate Bill No. 0578 -- Hospitals and Health Care Facilities --** Removes certain ambulatory surgical treatment facilities from jurisdiction of health facilities commission. Amends TCA, Title 68, Ch. 11, Pt. 1.

Senate Bill No. 0830 -- Human Rights -- Makes affirmative action remedies for discrimination available in chancery court action. Amends TCA 4-21-311.

***Senate Bill No. 0860 -- Municipal Government --** Places certain requirements on members of municipal civil service boards. Amends TCA, Title 6, Ch. 54.

***Senate Bill No. 0865 -- Municipal Government --** Permits mayor to appoint a designee to boards to which mayor is not popularly elected. Amends TCA 6-54-112.

***Senate Bill No. 1089 -- Real Property --** Removes former owner's right of first refusal on real property disposed of by department of transportation. Amends TCA, Title 12, Ch. 2.

***Senate Bill No. 1198 -- Correctional Programs --** Permits persons volunteering to work in department programs to use state vehicles if assignments require. Amends TCA 41-10-104.

***Senate Bill No. 1234 -- Budget Procedures --** Exempts Fentress County from County Budget Law of 1990. Amends TCA, Title 5, Ch. 22.

***Senate Bill No. 1243 -- DUI/DWI Offenses --** Provides for alternative locations for DWI incarceration. Amends TCA, Title 55, Ch. 10, Pt. 4.

Senate Bill No. 1320 -- Budget Procedures -- Excludes certain counties from County Budget Law of 1990. Amends TCA 5-22-116.

Senate Bill No. 1345 -- Alcoholic Beverages -- Expands definition of convention center. Amends TCA, Title 57.

Senate Bill No. 1353 -- Statutes -- Corrects reference to "description services" to read "decryption services". Amends TCA 65-25-202, 205.

***Senate Bill No. 1360 -- Taxes, Sales --** Exempts from sales tax sales of promotional materials for chambers of commerce. Amends TCA 67-6-329.

THURSDAY, APRIL 13, 1989 -- THIRTY-THIRD LEGISLATIVE DAY

MESSAGE FROM THE SENATE

April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 625; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

April 13, 1989

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 250 and 251; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 13, 1989

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 34, 38, 59, 320, 335, 363, 368, 567, 615, 638, 651, 654, 655, 674, 700, 734, 776, 811, 899, 1077, 1078, 1208, 1223, 1297, 1443, 1452, 1457, 1465, 1466 and 1469; and House Joint Resolution(s) No(s). 10, 40, 143, 145, 192, 195, 197, 199, 211, 231, 232, 250 and 251; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

April 13, 1989

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 699 and 1486.

REPORT OF COMMITTEE ON CALENDAR AND RULES

April 13, 1989

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 20, 1989: House Bill(s) No(s). 572, 595 and 790.

PHILLIPS, Chairman

THURSDAY, APRIL 13, 1989 -- THIRTY-THIRD LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES
April 13, 1989

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 24, 1989: House Bill(s) No(s). 1065, 301, 340, 795, 1033, 829, 581, 770, 1133, 1132, 1002, 1003, 1135, 821 and 1187.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
April 13, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 17, 1989: House Joint Resolution(s) No(s). 253, 254, 255, 256, 257 and 258; and House Bill(s) No(s). 699 and 1486.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

On motion of Rep. Naifeh, the House adjourned until 5:00 p.m., Monday, April 17, 1989.